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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,231	12/02/2003	Don J. Nguyen	42390.P6078C	5355
59796	7590	06/27/2007		
INTEL CORPORATION c/o INTELLEVATE, LLC P.O. BOX 52050 MINNEAPOLIS, MN 55402			EXAMINER LEROUX, ETIENNE PIERRE	
			ART UNIT 2161	PAPER NUMBER
			MAIL DATE 06/27/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/727,231	<b>Applicant(s)</b> NGUYEN, DON J.	
	<b>Examiner</b> Etienne P. LeRoux	<b>Art Unit</b> 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/4/07</u> . | 6) <input type="checkbox"/> Other: _____  |

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***Claim Status:***

Claims 1-23 are pending. Claims 1-23 are rejected as detailed below.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1 recites "in response to an attempt at power-on." A skilled artisan would not know how to make and use the invention because the specification does not contain a clear and concise description of the process of attempting.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat No 6,167,289 (Ball), hereafter Ball, and further in view of US Pat No 5,602,797 (Kang), hereafter Kang.

Claims 1, 7, 9, 15 and 18:

Ball discloses:

at least one electronic component [Fig 1, phone power]

a back-up battery to provide a back-up voltage supply on a back-up supply node [Fig 1, 46, col 44, lines 25-35]

a battery check circuit [col 8, lines 35-45] to be powered by the back-up voltage supply

Ball discloses the elements of the claimed invention as noted above but does not disclose to determine whether to provide power from a battery different than said back-up battery to the at least one electronic component by comparing the battery's power level to a predetermined power level. However, Ball discloses when the external battery voltage falls below the minimum value, the unit automatically switches to another (internal) battery [abstract, col 9, lines 30-45]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ball to include consideration of the main battery instead of the back-up battery because it is well-known and expected in the art to use the main battery as the primary power source and to only switch to the back-up battery when the main battery fails.

Ball discloses the elements of the claimed invention as noted above but does not disclose an attempt at system power-on. Kang discloses an attempt at system power-on. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ball to include an attempt at system power-on for the purpose of determining whether the battery is

charged sufficiently to operate the device or whether the user must make arrangements to recharge the battery or switch over to another fully-charged battery.

Claims 2, 8, 16, 20 and 21:

The combination of Ball and Kang discloses the elements of the claimed invention as noted above and further Ball discloses wherein the battery check circuit provides power from the battery to the at least one electronic component if the battery power level is at least the predetermined power level and wherein the battery check circuit prevents the battery from providing power to the at least one electronic component if the battery power level is less than the predetermined power level [abstract, col 9, lines 30-45]

Claim 3:

The combination of Ball and Kang discloses the elements of the claimed invention as noted above and further Ball discloses wherein the predetermined power level is based on a voltage or power requirement of one or more of the at least one electronic component [abstract]

Claim 4:

The combination of Ball and Kang discloses the elements of the claimed invention as noted above and further Ball discloses a latch which is set to a first state in response to the system being turned on to provide power exclusively from the back-up supply node when the system is turned on [abstract]

Claim 5:

The combination of Ball and Kang discloses the elements of the claimed invention as noted above and further Ball discloses wherein the latch which is reset to a second state when the signal indicating availability to the at least one electronic component of power from the battery is received

by the latch, the battery check circuit disconnecting the back-up supply node from the battery check circuit when the latch is in the second state [abstract]

Claim 6:

The combination of Ball and Kang discloses the elements of the claimed invention as noted above and further Ball discloses wherein power from the back-up battery is supplied to the at least one electronic component while the latch is in the first state, and wherein power from the back-up battery is disconnected from the at least one electronic component when the latch is in the second state [abstract].

Claim 10:

The combination of Ball and Kang discloses the elements of the claimed invention as noted above and further Ball discloses disconnecting power provided by the second battery from the battery check circuit after testing the power level of the first battery [Fig 1].

Claim 11:

Ball discloses the elements of claim 7 as noted above but does not disclose wherein powering the battery check circuit comprises sensing an on button being depressed, enabling power to the battery check circuit, maintaining power to the battery check circuit while the power level of the first battery is tested. Official Notice is taken that an on-button is well-known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ball to include an on-button to obtain wherein powering the battery check circuit comprises sensing an on button being depressed, enabling power to the battery check circuit, maintaining power to the battery check circuit while the power level of the first battery is

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tested for the purpose of initiating and terminating the testing of the battery as and when required.

Claims 12 and 23:

Ball discloses the elements of claims 7 and 11/18 and 22 as noted above but does not disclose wherein maintaining power to the battery check circuit comprises setting a latch which has its output coupled to enable a gate connecting the battery check circuit to the second battery.

Official Notice is taken that a latch and a gate are well-known and expected in the art for reasons similar to the above.

Claim 13:

Ball discloses the elements of claims 7, 11 and 12 as noted above but does not disclose wherein preventing the first battery from powering the electronic component comprises maintaining the electronic component in a disconnected state from the first battery; and disabling the battery check circuit [Abstract, Fig 1, col 9, lines 30-45]

Claim 14:

Ball discloses the elements of claims 7 and 11-13 but does not disclose wherein disabling the battery check circuit comprises resetting the latch to disconnect the battery check circuit from the second battery. Official Notice is taken that resetting a latch is well-known and expected in the art for reasons similar to the above.

Claim 17:

Ball discloses the elements of claim 15 as noted above but does not disclose disconnecting the test circuit power from the first battery if the second battery has insufficient remaining power.

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However, Ball discloses if the external battery is detected to be removed or at too low a voltage the software is automatically arranged to switch to the internal battery [col 9, lines 37-41]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ball to include disconnecting the test circuit power from the first battery if the second battery has insufficient remaining power for the purpose of conserving the power remaining in the first battery.

Claim 19:

The combination of Ball and Kang discloses the elements of the claimed invention as noted above and further Ball discloses a processor [Fig 1, 72]

Claim 22:

Ball discloses the elements of claims 18 and 21 as noted above but does not disclose wherein the battery check circuit is to assert a shutdown signal prior to supplying power from the main battery to the plurality of system Components. However, Ball discloses if the external battery voltage is low, then the power supply is switched to the internal battery [col 9, lines 38-41]. It would have been obvious to one of ordinary skill in the at the time the invention was made to modify Ball to include wherein the battery check circuit is to assert a shutdown signal prior to supplying power from the main battery to the plurality of system Components for the purpose of preventing damage to the electronic circuits by not supplying power at a voltage below the threshold.



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***Response to Arguments***

Applicant's arguments filed 5/4/2007 have been fully considered but they are moot based on above new grounds of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached Monday through Friday between 8:00 am and 4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on (571) 272-4080. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Etienne LeRoux

6/21/2007

  
ETIENNE LEROUX  
PRIMARY EXAMINER